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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,300	02/27/2004	Padakandla Krishna Rao	51085-3 /slb	8776

7380 7590 07/24/2008

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EXAMINER	
HEIBER, SHANTELL LAKETA	
ART UNIT	PAPER NUMBER
2617	
MAIL DATE	DELIVERY MODE
07/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/787,300	RAO ET AL.	
	Examiner	Art Unit	
	SHANTELL HEIBER	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-8,11-14,16 and 18-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-8,11-14,16 and 18-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *2/27/04* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 12, 2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 12 and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

3. According to Paragraphs [0023]-[0025] and Figure 4, Noel discloses a participant may request to see a list of the queue order and a list of all of the participants in the call. This list is sent from the PTT server and may be displayed on a mobile device or an Internet interface. The call originator selects the participants and assigns each participant a priority level. The participant's identities and priority level is transmitted to the PTT server for storage *until needed*. According to Noel, the call originator assigns the priority levels but also has access to the stored information for each participant. Therefore, when a call participant use an interrupt button to request the ability to speak *(transmits a TCRM indicating a request to transmit on the transmit channel)*, the PTT server *sends a message to the current speaker* that one of the call participants wants to

interrupt the call, the current speaker has the option of allowing the call participant request to speak. The current speaker receives the request and has the ability to decide whether the call participant is granted the ability to speak as well as access to the database storing the participant's identity and priority level.

4. Noel fails to disclose the TCRM including a qualifier flag and performing extended functionality in response to a value of the qualifier flag.

5. Forssell disclose a mobile station indicates to the network that it requires radio resources for delay sensitive data transfer. The network needs the information in order to assign sufficient radio resources for the mobile station to provide the required service level. The mobile station sends a priority field *(qualifier flag)* or other field is included in the radio resource request message, such as a packet channel request *(TCRM)*. See Column 9, lines 11-44.

6. The combination of Noel and Forssell disclose all limitations as described in amended Claims 1, 12 and 21-24.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-3 and 6-8, 11-14, 16, and 18-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Noel et al. (Noel), U.S. Publication No. 2005/0032539 in view of Forssell et al. (Forssell), U.S. Patent No. 6,671,511.

Regarding Claims 1, 12 and 21-24, Noel discloses a method, a user device, a network, a system and a memory of messaging during an active half-duplex session between a plurality of user devices capable of half-duplex voice functionality **(PTT calls use a half-duplex communications system and therefore, only one person can have the ability to speak at a time; [0004])**, the method, the user device, the network, a system and a memory comprising: a first user device **(requestor of mobile device)** of said plurality of user devices **(participants of mobile devices)** while in a receiving in half-duplex (RHD) mode for an active half-duplex session **(the call begins when the call originator presses the appropriate button, e.g., a PTT button, on a wireless phone and begins speaking)**, transmitting a transmit channel request message (TCRM) to a network **(130)**, the TCRM indicating a request from the user device to transmit on the transmit channel **(as the call progresses, a participant may want to speak while another participant is currently speaking. The participant wanting to speak sends a request (TCRM) to speak)**; the network **(130)** forwarding the TCRM **(if the call participant initiating the request has a higher priority level than that of the current speaker, a message is sent to each mobile device)** to a second user device **(current speaker of mobile device)** of said plurality of user devices **(participants of mobile devices)** while the second user device is in a

transmitting in half-duplex (THD) mode for the active half-duplex session, the TCRM including an identification of the first user device **(the current speaker ability to speak is terminated)**; and the second user device **(current speaker of mobile device)** receiving the TCRM **(if the call participant initiating the request has a higher priority level than that of the current speaker, a message is sent to each mobile device). See paragraphs [0019]-[0022].**

Noel fails to disclose the TCRM including a qualifier flag and performing extended functionality in response to a value of the qualifier flag.

In a similar field of endeavor, Forssell disclose a method and arrangement for transferring information in a packet radio service. Forssell further disclose the TCRM including a qualifier flag and performing extended functionality in response to a value of the qualifier flag. **(A mobile station indicates to the network that it requires radio resources for delay sensitive data transfer. The network needs the information in order to assign sufficient radio resources for the mobile station to provide the required service level. The mobile station sends a priority field *(qualifier flag)* or other field is included in the radio resource request message, such as a packet channel request *(TCRM)*). See Column 9, lines 11-44.**

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to transfer information (Forssell) allowing efficient and organized queuing of call participants (Noel).

Regarding Claims 2 and 13, Noel and Forssell disclose wherein each user device of the plurality of user devices is a wireless device **(Noel-the mobile device 110 is shown in Figure 1 as a wireless phone; [0019])**.

Regarding Claims 3 and 12, Noel and Forssell disclose further comprising the first user device locally receiving a request to transmit the TCRM **(Noel-the participant wanting to speak sends a request to speak by making the proper selection. This typically accomplished using the push to talk button on mobile device; [0022])**.

Regarding Claim 16, Noel and Forssell disclose wherein the outgoing TCRM comprises an identification of the user device. **(Noel-after the participants for the call, call group, are selected, their identities and priority level are transmitted to the PTT server 140 for storage. This information is compared and used by the PTT server for determining if the requestor can be granted the ability to speak; [0021] and [0022]).**

Regarding Claims 6 and 12, Noel and Forssell disclose further comprising: the second user device in response to receiving the TCRM generating a user-detectable notification indicating the second user device has received the TCRM **(Noel-when the change of speaker message is sent, the current speaker loses the ability to transmit her speech; [0022]).**

Regarding Claim 7, Noel and Forssell disclose further comprising: the second user device generating user-detectable notification indicative of the identification of the first user device **(see rejections for claim 6).**

Regarding Claim 8, Noel and Forssell disclose further comprising: the network, upon receiving the TCRM from the first user device, determining a talk group the first user device is participating in, determining another user device in the talk group that is in THD mode, which another user device is said second user device **(see rejection for claim 1)**.

Regarding Claims 11, 18 and 20, Noel and Forssell disclose wherein the extended functionality comprises at least one functionality selected from the group consisting of: a) registering a continuing transmit channel request at the THD device; b) canceling a transmit channel request at the THD device; and c) performing automatic release of the transmit channel by the THD device **(Noel-if the priority level is a higher priority than that of the current speaker then a message is sent to each mobile device indicating a change is speaker is set to occur. The requestor is granted the ability to speak; [0022])**.

Regarding Claim 14, Noel and Forssell disclose wherein the active half-duplex session is a push-to-talk.TM **(the mobile device has a push to talk button)** half-duplex voice communication session **Noel-[0004] and [0022]**.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noel and Forssell in view of Stubbs, U.S. Patent No. 6,930,994.

Regarding Claim 4, Noel and Forssell disclose wherein the half-duplex session is a voice communication session as described above.

Noel and Forssell fails to specifically disclose wherein the half-duplex session is a voice communication session compliant with at least one system selected from the group of iDEN.TM., 1XRTT CDMA, GSM/GPRS, UMTS, and TDMA.

In a similar field of endeavor, Stubbs discloses a dynamic allocation of radio resources in a packet switched communications system. Stubbs further discloses wherein the half-duplex session is a voice communication session compliant with at least one system selected from the group of iDEN.TM., 1XRTT CDMA, GSM/GPRS, UMTS, and TDMA **(Abstract)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a half-duplex video conferencing call between two parties or in a dispatch mode between groups of call participants wherein operable in both a GPRS virtual connection mode and a conventional circuit-switched mode (Stubbs-Col. 12, lines 20-23 and lines 32-38) for further allowing efficient and organized queuing of call participants (Noel).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Metais et al., U.S. Patent No. 7,136,663 discloses a method for controlling a communications channel shared by several stations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Heiber whose telephone number is (571)272-0886. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. H./
Examiner, Art Unit 2617
July 21, 2008

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617